

EXECUTIVE ORDER

No. 87-4

RECEIPT OF CRIMINAL HISTORY RECORD INFORMATION
GOVERNOR OF THE STATE OF ARIZONA

WHEREAS, the Governor of the State of Arizona has statutory authority under Section 41-101, Arizona Revised Statutes (A.R.S.), to supervise the official conduct of all executive and ministerial officers and shall have such powers and perform such other duties as devolved upon him by law, and it would be in the best interests of the state to inquire into the character and past criminal conduct of prospective gubernatorial appointees and prospective employees of the Office of the Governor; and

WHEREAS, the Governor, in individual cases or situations wherein he elects to become actively involved in the investigation of criminal activity or otherwise performs the administration of criminal justice in accordance with his constitutional duty to insure that the laws be faithfully executed, may require access to criminal history record information; and

WHEREAS, the Arizona Department of Public Safety maintains a Criminal Identification Section pursuant to A.R.S. 41-1750 for the purpose of procuring and maintaining information concerning arrests and convictions of persons for public offenses in Arizona; and

WHEREAS, the Criminal Investigation Section is authorized pursuant to A.R.S. Section 41-1750 (B) (7) and (8) to provide criminal history record information to noncriminal justice licensing and regulatory agencies of the state for the purpose of evaluating the fitness of prospective employees and licensees; and

WHEREAS, the Criminal Identification Section is authorized pursuant to A.R.S. Section 41-1750 (B) (3-5) to provide criminal history from its records to criminal justice agencies of the federal government, the state or its political subdivisions for the purpose of the administration of criminal justice; and

WHEREAS, noncriminal justice agencies of the state may receive criminal history record information from the Arizona Department of Public Safety Criminal Identification Section pursuant to A.R.S. Section 41-1750 (G) only by specific authority granted to that agency by statute, ordinance or executive order, and subject to rules and regulations of the Arizona Department of Public Safety;

NOW, THEREFORE, I, Evan Mecham, Governor of the State of Arizona, under authority provided by A.R.S. Section 41-1750 (G), hereby authorize the Criminal Identification Section of the Arizona Department of Public Safety to provide, upon receipt of applicant fingerprint cards, and the Governor of Arizona to receive personally criminal history record information for the purpose of evaluating the fitness of gubernatorial appointees and prospective employees in accordance with those rules and regulations issued by the Arizona Department of Public Safety. Nothing in this Order shall be construed as limiting in any manner the Governor's authority to receive criminal history record information for lawful criminal justice purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Evan Mecham
GOVERNOR

DONE at the Capitol in Phoenix on this twentieth day of January in the Year of Our Lord One Thousand Nine Hundred and Eighty-seven and of the Independence of the United States of America the Two Hundred and Eleventh.

ATTEST:

Rae Hoffman
Secretary of State

